

Notice of Allowability**Application No.**

10/815,210

Applicant(s)

SWEARINGEN ET AL

Examiner

PELING A. SHAW

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/23/2008.
2. ☒ The allowed claim(s) is/are 1,6 and 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20081209.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Peling A Shaw/
Examiner, Art Unit 2444

DETAILED ACTION

1. Amendment received on 09/23/2008 has been entered into record. Claims 1, 6 and 11 are amended. Claims 1, 6 and 11 are currently pending.
2. Preliminary amendment received on 05/28/2008 was entered into record. Claims 1, 6 and 11 were amended. Claims 2-5, 7-10 and 12-15 were cancelled.

Priority

3. This application has no priority claim made. The filing date is 03/31/2004.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Gerald Glanzman (reg. no. 25,035) on 12/09/2008.
6. The application has been amended against applicant submitted claim set dated 09/23/2008 as follows (only examiner amended claims are shown):

IN THE CLAIMS

6. A computer program product ~~stored~~ in a computer readable storage medium having computer usable program code for managing user status values in an instant messaging system, wherein the user status values indicate an availability to participate in an instant messaging session, the computer program product comprising:

means for receiving a first request from a second user to designate a do not disturb status that is associated with the second user such that a group of first users cannot initiate a new instant messaging session with the second user, wherein the group of first users comprises a buddy list of the second user;

means for receiving a second request from the second user to designate a subset of the group of first users such that the subset of the group of first users is authorized to initiate the new instant messaging session with the second user while a remainder of the group of first users cannot initiate the new instant messaging session with the second user;

means for the second user to receive a request from a first user of the group of first users to initiate the new instant messaging session with the second user; means for determining whether the second user has designated the do not disturb status;

means for determining whether the second user has designated the do not disturb status; in response to determining that the second user has designated the do not disturb status, means for determining whether the first user of the group of first users is included in the subset of the group of first users;

in response to a determining that the first user is not included in the subset of the group of first users, means for denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and

in response to a determining that the first user is included in the subset of the group of first users, means for displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user.

Reasons for Allowance

7. Claims 1, 6 and 11 are allowed as amended above.

The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Appelman (US 6750881 B1) and Largman Tang et al. (US 5960173 A) together fail to teach or suggest "a computer implemented method for managing user status values in an instant messaging system, wherein the user status values indicate an availability to participate in an instant messaging session, the computer implemented method comprising: receiving a first request from a second user to designate a do not disturb status that is associated with the second user such that a group of first users cannot initiate a new instant messaging session with the second user, wherein the group of first users comprises a buddy list of the second user; receiving a second request from the second user to designate a subset of the group of first users such that the subset of the group of first users is authorized to initiate the new instant messaging session with the second user while a remainder of the group of first users cannot initiate the new instant messaging session with the second user; the second user receiving a request from a first user of the group of first users to initiate the new instant messaging session with the second user; determining whether the second user has designated the do not disturb status; in response to determining that the second user has designated the do not disturb status, determining whether the first user of the group of first users is included in the subset of the group of first users: in response to a determining that the first user is not included in the subset of the group of first users, denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated; and in response to a determining that the first

user is included in the subset of the group of first users, displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user" in combination with all the elements of each independent claim as presented by Applicant [See page 3 through page 5 of applicant's amended received 09/23/2008]. Applicant argues that the prior arts together do not disclose or suggest the limitation combination of "receiving a first request from a second user to designate a do not disturb status that is associated with the second user such that a group of first users cannot initiate a new instant messaging session with the second user, wherein the group of first users comprises a buddy list of the second user", "receiving a second request from the second user to designate a subset of the group of first users such that the subset of the group of first users is authorized to initiate the new instant messaging session with the second user while a remainder of the group of first users cannot initiate the new instant messaging session with the second user", "determining whether the second user has designated the do not disturb status", "in response to determining that the second user has designated the do not disturb status, determining whether the first user of the group of first users is included in the subset of the group of first users", "in response to determining that the first user is not included in the subset of the group of first users, denying the request from the first user to initiate the new instant messaging session with the second user, and displaying a message to the first user that the new instant messaging session cannot be initiated"; and "in response to determining that the first user is included in the subset of the group of first users, displaying chat session windows for the first user and the second user for initiating the new instant messaging session with the second user". This argument is considered persuasive as per 5th paragraph on page 10 through 3rd paragraph on page 12 of applicant's amendment received 09/23/2008.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444